

DAVID L. ANDERSON (CABN 149604)
United States Attorney

HALLIE HOFFMAN (CABN 210020)
Chief, Criminal Division

SCOTT D. JOINER (CABN 223313)
S. WAQAR HASIB (CABN 234818)
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7200
FAX: (415) 436-7234
scott.joiner@usdoj.gov
waqar.hasib@usdoj.gov
robert.leach@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. CR 20-MJ-70076 MAG
)	
Plaintiff,)	STIPULATION TO CONTINUE HEARING AND
)	EXCLUDE TIME FROM APRIL 16, 2020 TO
v.)	MAY 21, 2020; ORDER
)	
MOHAMMED COLIN NURU,)	
)	
Defendants.)	

The parties appeared for a status hearing on February 27, 2020 and the matter was continued and time was excluded to March 19, 2020. The court granted a subsequent continuance to April 16, 2020 in light of the COVID 19 pandemic and shelter-in-place orders for the City and County of San Francisco and surrounding areas. In light of ongoing shelter-in-place orders, the parties now request that the matter be continued to May 21, 2020.

It is further stipulated by and between counsel for the United States and counsel for the defendant Mohammed Nuru, that time be excluded under the Speedy Trial Act from April 16, 2020

STIPULATION TO EXCLUDE TIME AND ORDER
CR 20-MJ-70076 MAG

FILED

Apr 15 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 through May 21, 2020. Defendant Nuru waives the time for a preliminary hearing on the Complaint
 2 under Rule 5.1 of the Federal Rules of Criminal Procedure through May 21, 2020. Pursuant to
 3 stipulation, the Court previously excluded time under the Speedy Trial Act through and including April
 4 16, 2020, in light of the complexity of the case – which the government represents involves more than
 5 1,500 recorded calls or conversations and thousands of pages of documents – the time available for
 6 indictment, and for effective preparation of counsel.

7 For the same reasons, the parties stipulate and agree that excluding time from April 16, 2020
 8 through and including May 21, 2020, will allow for the effective preparation of counsel and is
 9 appropriate based on the complexity of the case and the amount of time necessary to return and file an
 10 indictment under the circumstances within the time specified by 18 U.S.C. § 3161(b). *See* 18 U.S.C.
 11 §§ 3161(h)(7)(B)(ii), 3161(h)(7)(B)(iii), 3161(h)(7)(B)(iv); *see also United States v. Pete*, 525 F.3d 844,
 12 852-53 (9th Cir. 2008) (“the STA makes no distinction regarding the applicability of the exclusions
 13 under § 3161(h)(1) to the pre-indictment period (governed by § 3161(b)) and the pretrial period
 14 (governed by §§ 3161(c) and (e)).”); *United States v. Murray*, 771 F.2d 1324, 1328 (9th Cir. 1985) (“In
 15 cases of relative complexity, with multiple defendants and ongoing investigations such as here, it may
 16 be quite unreasonable to expect the preparation and return of an indictment within thirty days... In the
 17 case at bar, efficiency and economy were definitely served by the sixty day extension.”).

18 The parties further stipulate and agree that the ends of justice served by excluding the time from
 19 April 16, 2020 through and including May 21, 2020, from computation under the Speedy Trial Act
 20 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A),
 21 (B)(ii)-(iv).

22 The undersigned Assistant United States Attorney certifies that he has obtained approval from
 23 counsel for the defendant to file this stipulation and proposed order.

24 SO STIPULATED.

26 DATED: April 14, 2020

27 /s/
 SCOTT D. JOINER
 S. WAQAR HASIB
 Assistant United States Attorneys

1 DATED: April 14, 2020

2 _____
3 /s/
4 ISMAIL RAMSEY
5 RAMSEY & EHRLICH, LLP
6 Counsel for Defendant Mohammed Nuru
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Pursuant to stipulation, the appearance currently set for April 16, 2020 is HEREBY CONTINUED to May 21, 2020.

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court finds that failing to exclude the time from April 16, 2020 through and including May 21, 2020, would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court also finds that excluding the time from April 16, 2020 through and including May 21, 2020, is appropriate in light of the complexity of the case, which the government represents involves more than 1,500 recorded calls or conversations and thousands of pages of documents, and the amount of time necessary to return and file an indictment under the circumstances within the time specified by 18 U.S.C. § 3161(b). *See* 18 U.S.C. §§ 3161(h)(7)(B)(ii), 3161(h)(7)(B)(iii); *see also United States v. Pete*, 525 F.3d 844, 852-53 (9th Cir. 2008) (“the STA makes no distinction regarding the applicability of the exclusions under § 3161(h)(1) to the pre-indictment period (governed by § 3161(b)) and the pretrial period (governed by §§ 3161(c) and (e)).”); *United States v. Murray*, 771 F.2d 1324, 1328 (9th Cir. 1985) (“In cases of relative complexity, with multiple defendants and ongoing investigations such as here, it may be quite unreasonable to expect the preparation and return of an indictment within thirty days... In the case at bar, efficiency and economy were definitely served by the sixty day extension.”).

The Court further finds that the ends of justice served by excluding the time from April 16, 2020 through and including May 21, 2020, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from April 16, 2020 through and including May 21, 2020, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A),

//

//

//

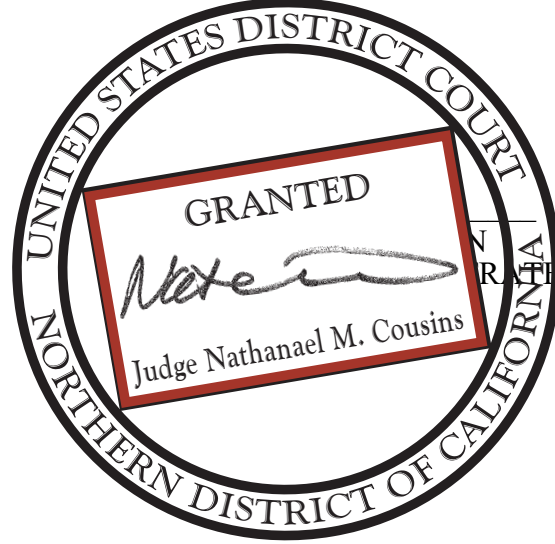
//

//

1 (B)(ii)-(iv). The Court also orders that the time for a preliminary hearing be extended under Rule 5.1 of
2 the Federal Rules of Criminal Procedure.

3 IT IS SO ORDERED.

4
5 DATED: April 15, 2020



6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
NATHANAEL M. COUSINS, JUDGE